

Chapter 16.04

TERMINATION OF DOMESTIC UTILITY SERVICES

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16.04.010 Citation and Purpose.

This ordinance may be cited as the "Domestic Utility Service Termination Ordinance." The purpose of this ordinance is to promote and protect the public health, safety, and welfare by regulating the termination of those domestic utility services within the City of Lincoln which are necessary for the sustaining of the life and health of human beings. (P. C. § 16.22.010: Ord. 13066 §2; December 29, 1980).

16.04.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

Apartment building shall mean any building or part thereof, not used primarily for transient occupancy, in which there are two or more dwelling units, each with one or more habitable rooms with kitchen and bathroom facilities exclusively for use and under the control of the occupant thereof.

Company shall mean any private company or public entity supplying natural gas, electric, or water services.

Customer shall mean the person, firm, or corporation under whose name the utility service is provided.

Domestic utility service shall mean natural gas, electric, or water service to any building which is served under a residential rate classification.

Service representative shall mean the employee or representative of the company who acts on behalf of the company in taking action to terminate or restore utility services.

Holiday shall mean the day on which the offices of the United States, the State of Nebraska, or the City of Lincoln are closed for observance of New Years Day, President's Day, Arbor Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, or Christmas. The term "holiday" shall also include the dates of celebration of Yom Kippur and Rosh Hashanah. (P.C. § 16.22.020: Ord. 13115 §1; March 23, 1981; prior Ord. 13066 §3; December 29, 1980).

16.04.030 Master-metered Buildings; Notice Posted.

If the records of a company show that an apartment building is provided with master-metered service, or if the company's service representative has knowledge that such master-metered situation exists, the company shall not terminate domestic services to the apartment building unless a notice of termination has been conspicuously posted on or near each entrance to such building and on or near the main entrance of each individual unit at least seven days prior to such termination. Such posted notice shall state the name of the company and the date of the pending termination, and shall be accompanied by a statement that termination may be avoided by correction of the cause for termination. It shall be unlawful for any person other than a representative of the company or the residents or tenants of such apartment building to remove any such notice.

In those cases where security systems prevent access to the entrances to individual units, notice need not be posted at such units; provided, that the service representative shall attempt to contact the manager of such building for the purpose of gaining access to the individual units. (P.C. § 16.22.025: Ord. 13115 §2; March 23, 1981).

16.04.040 Termination; When Not Permitted.

No company shall terminate domestic utility services:

- (a) On any Friday, Saturday, Sunday, holiday, or day before any holiday;
- (b) At any time during which the business offices of such company are not open to the public.

(P.C. § 16.22.030: Ord. 13115 §3; March 23, 1981; prior Ord. 13066 §4; December 29, 1980).

16.04.050 Notice of Termination.

When service is terminated, a notice shall be conspicuously posted at the front and rear entrance to the premises, and, in the case of a master-metered apartment building, on or near each exterior entrance and on or near the main entrance to each unit. The notice shall state that service has been terminated and the address and telephone number of the company where the customer may arrange to have service restored. In those cases where security systems prevent access to the entrances to individual units, notice need not be posted at such units; provided, that the service representative shall attempt to contact the manager of such building for the purpose of gaining access to the individual units. (P.C. § 16.22.032: Ord. 13115 §4; March 23, 1981).

16.04.060 Service Representative Identification.

Every service representative of a company shall carry identification indicating such person's employment and shall freely disclose his or her identity and show identification to any person on the service premises who makes inquiry. (P.C. § 16.22.035: Ord. 13115 §5; March 23, 1981).

16.04.070 Termination or Corrective Action For Protection of Public.

(a) Nothing in this chapter shall preclude a company from taking immediate action necessary to correct any condition which threatens the health or safety of the customer or the public or the integrity of the company's utility distribution system.

(b) This ordinance shall not apply when termination actions are necessary for reasons of construction, alteration, repair, or maintenance of the utility system. (P.C. § 16.22.040: Ord. 13115 §6; March 23, 1981; prior Ord. 13066 §5; December 29, 1980).

16.04.080 Penalty.

Any person, firm, corporation, or company upon whom a duty is placed by this chapter who shall fail or refuse to perform such duty shall be guilty of a misdemeanor, and shall, upon conviction, be fined in a sum not to exceed \$500.00, and in addition, shall be subject to imprisonment in the county jail for a period not to exceed six months, for each violation. (P.C. § 16.22.050: Ord. 13115 §7; March 23, 1981: prior Ord. 13066 §6; December 29, 1980).